

### **Remarks / Arguments**

Clarifying amendments have been made to independent claims 1 and 15, dependent claims 2 through 6, dependent from claim 1, and 18 through 20 dependent from claim 15. Former claim 11 has been cancelled and claim 14 has been amended to correct minor typographical errors. The remaining claims are as previously presented, with claims 1 – 10 and 12 – 26 currently pending in the application.

#### **Claims 1 – 7 and 9 – 14**

The Examiner has objected to claims 1 – 7 and 9 – 14 currently on file under 35 USC 103(a) as being unpatentable over Straayer *et al.* (U.S. Patent No. 4,680,577) in view of Osawa *et al.* (U.S. Publication No. 2001/0033270).

Applicant submits that such a rejection is improper and should be withdrawn for the following reasons.

Clarifying amendments have been made to independent claim 1, to incorporate the subject matter of former claim 3, to wit: the inclusion of a command key for sending a command input signal to the processor and wherein the processor only causes a navigation indicator on the display screen to move in a direction corresponding to each of the navigation control input positions when the combined character and navigation key is in such navigation control input position while a command input signal indicative of the command key being depressed in an activated position, is simultaneously received from the command key.

The Examiner has contended that Straayer *et al.* disclose, at column 5 lines 4 – 11, a command key for sending a command input signal to the processor when in an activated position. However, at the cited paragraph, Straayer *et al.* in fact indicate:

"It may be desirable for the use of the cursor positioning capabilities of the multipurpose keyswitch to be activated by first closing an additional keyswitch on keyboard 88. "[emphasis added]

Thus, contrary to the assertion of the Examiner, Straayer *et al.* do not disclose the simultaneous depressing of the command key and the combined character and navigation key in a navigation control input position, but rather the sequence of first

closing the additional keyswitch (i.e. command key) and thereafter displacing the combined character and navigation key into a navigation control input position.

Thus, the teaching in Straayer *et al.* is akin to the prior depressing of a "CAPS LOCK" key which invokes a processor state whereby all further inputs are governed by that state even when the "CAPS LOCK" key is not being simultaneously pressed.

This is to be distinguished from the teaching throughout the present application to the effect that the command key must be simultaneously pressed with the combined character and navigation key in one of the navigator control input positions to effect movement of the navigation indicator, see for example, paragraph 32, ("With reference to Figure 2, the space bar key 66 and device 10 are configured so that: (a) pressing down on the left side 82 of the space bar key 66 while simultaneously pressing a further predetermined command key (for example ALT 68) is mapped to a "left arrow" or "scroll back" control code by the keyboard interpreter; (b) pressing down on the right side 84 of the space bar key 66 while simultaneously pressing the further predetermined key is mapped to a "right arrow" or "scroll forward" control code; and (c) pressing down anywhere on the space bar key while in a text entry mode independently of pressing the further predetermined key is mapped to a "space" character." [emphasis added]), and paragraphs 33 and 34 to similar effect.

Nor do the cited Osawa *et al.* reference teach this feature. Indeed, Osawa (*et al.*) do not even contemplate a character insertion mode, which must be distinguished from a navigator display movement mode by the inculcation of a separate command key, whether or not simultaneously depressed as claimed herein.

The aspect of the combined character and navigation key providing tactile single click feedback upon movement thereof has been removed from independent claim 1 and introduced as new dependent claim 3. Consequential changes to dependent claims 2 and 4 through 6 have been introduced in the amended claim set submitted concurrently herewith. Former claim 11 has been cancelled as having been incorporated in new independent claim 1 as submitted concurrently herewith.

Accordingly, Applicant submits that the Examiner's objection to claim 1 has been overcome.

As all dependent claims 2 through 10, and 12 through 14 depend from a now allowable base claim, Applicant respectfully submits that the Examiner's rejections in respect thereto have been accordingly traversed.

In any event, Applicant repeats and relies upon its submissions in previous Office Actions with regard to its contention that Straayer *et al.* do not in any event disclose that the character and navigation key is a space bar key and the displayable character is a space character as claimed in dependent claim 2 thereof.

Moreover, Applicant repeats and relies on its submissions in previous Office Actions to the effect that the Examiner lacks the requisite motivation to combine the Straayer *et al.* and Osawa *et al.* references on the basis that Straayer *et al.* is directed to a desktop keyboard, which is sufficiently large that the index fingers of the user may rest in the home position above the designated "F" character key, throughout the course of the user's interactions with a keyboard (in this regard the Examiner is referred to column 1 lines 28 through 32, to the effect that it was not advantageous to have the operator move his fingers from the home position, and column 5 lines 21 through 26 of the cited reference, in which it is indicated that it is advantageous for the user to maintain its index finger a large percent of the time above the "F" character key).

By way of contrast, in Osawa *et al.*, the invention is directed to a key input device for a portable telephone, which, as shown in the various views of Figure 3, is configured so that key input, including that of the multi-position switch is presumably effected by intermittently positioning a finger, typically the thumb, over each input key as needed, but in the ordinary course of operation of the device, the user's fingers would not linger over any of the input keys thereof.

Furthermore, in respect of claim 13, the Examiner contends that, notwithstanding his acknowledgment that Osawa *et al.* do not disclose the other switches as being non-dome contact switches, this would be a designer's choice. Applicant notes that it has specifically taught in the present application, at paragraph 41 thereof, a number of embodiments in which one is the use of dome switches for all of the contact switches. Accordingly, at the restriction in claim 13, the new

embodiments in which the first and second switches are non-dome contact switches constitute an inventive feature, which it is respectfully submitted the Examiner cannot blithely explain away on the basis of obviousness as being a matter of "design choice" when the cited Osawa *et al.* reference has absolutely no indication of this possibility.

Applicant notes that the Examiner has apparently included a rejection of claims 21 through 25 under the above-referenced heading. Applicant submits that in as much as these claims are dependent from a now allowable base claim, these rejections have been respectfully traversed.

#### Claim 8

The Examiner has rejected claim 8 under 35 USC 103(a) as being unpatentable over Straayer *et al.* in view of Osawa *et al.* in further view of Lee *et al.* (U.S. Patent Publication No. 2002/0190957).

The Examiner has acknowledged that Straayer *et al.* and Osawa *et al.* do not disclose an electronic handheld device wherein the display screen is mounted within the face but contends that Lee *et al.* disclose a handheld device with the display screen being mounted within the face, citing as an example Figure 1 and case 13 disclosed therein. Applicant respectfully disagrees with the contention of the Examiner.

The reference numeral 13 in the Lee *et al.* reference is directed not to a face, but rather to a case of the handheld device. As it taught in the Lee *et al.* reference and as shown in Figure 2 thereof, in fact, the keyboard is not mounted in the face in which the displayed screen is mounted, namely the front face of the case 13, but rather through a connector in an adjacent face, namely the bottom face of the case 13, as shown in paragraph 26 thereof, in which the connector 16 is provided "at a lower end portion" of the PDA 10.

In any event, Lee *et al.* do not teach or suggest the simultaneous depressing of a command key and a combined character and navigation key as now claimed in independent claim 1 submitted concurrently herewith, from which the impugned claim 8 depends.

In any event, Applicant repeats and relies on its submissions and prior

responses, to the effect that the Examiner lacks the requisite motivation to combine the cited Lee *et al.* reference with at least the Straayer *et al.* reference.

Claims 15 – 17

The Examiner has rejected claims 15 – 17 under 35 USC 103(a) as being unpatentable over Lee *et al.* In view of Straayer *et al.*

Applicant repeats and relies upon its submissions set out above, to the effect that neither Lee *et al.* nor Straayer *et al.* teach or suggest the simultaneous depressing of a command key and that the space bar key in a navigation control input position as now called for by independent claim 15 as submitted concurrently herewith, and its submissions in respect of the absence of the requisite motivation to combine the two cited references set out previously herein and in responses to prior Office Actions. Applicant submits that claims 16 and 17, being dependent from an allowable base claim, the Examiner's rejections of these claims is respectfully traversed.

Applicant notes that the Examiner has apparently included a rejection of claim 26 under this heading. Inasmuch as claim 26 is dependent from a now allowable base claim, Applicant respectfully submits that the Examiner's rejection has been traversed.

Claims 18 - 20

The Examiner has rejected claims 18 – 20 under 35 USC 103(a) as being unpatentable over Lee *et al.* in view of Straayer *et al.* in view of Osawa *et al.*

Applicant repeats and relies on its submissions set out earlier herein to the effect that none of the cited references teach or suggest the simultaneous depressing of a command key and the space bar key as now claimed in independent claim 15, from which the impugned claims depend, and its submissions that the Examiner lacks the requisite motivation to combine the cited references, submitted earlier herein and in responses to prior Office Actions.

Moreover, Applicant takes issue with the contention of the Examiner at the bottom of page 15 and the top of page 16 of the present Office Action to the effect that there would be a motivation to combine Lee *et al.* with the teachings of Straayer *et al.*

because the incorporation of the command key and multi-purpose keyswitch of Straayer *et al.* and to the keyboard of Lee *et al.* would allow for redundant cursor movement and act as a failsafe in case one of the cursor movement systems fails to operate, and to prevent accidental movements of the cursor.

In this regard, Applicant notes that Lee *et al.* is directed to a personal digital assistant (PDA) having a touch screen 14. There is no indication that the PDA has any form whatsoever of cursor control. The need for any such cursor control would be obviated by the touch screen nature of the display 14, which would permit the user to position the cursor anywhere throughout the display by simply tapping at the desired location of the screen. Moreover, inasmuch as Lee *et al.* disclose a portable keyboard, whose objective is to dispense with symbol regions so as to increase the effective display area of the PDA, as taught in paragraph 24 thereof, there would be no motivation to create a redundant system.


Finally, Lee *et al.* teach at paragraph 6 thereof, that it would be disadvantageous to have a keyboard of any significant size. Accordingly, there would be no motivation to combine the compact keyboard of Lee *et al.* with any features that would increase the size of the keyboard, for the purposes of providing redundant capability.

Reconsideration and allowance of the application is requested for the reasons as set out above.

Respectfully submitted,

**Research In Motion Limited**

By

  
\_\_\_\_\_  
Dennis S. K. Leung  
Registration No. 47,325  
Telephone (613) 907-7149  
Fax (613) 236-2485

Date: September 13, 2007

RIDOUT & MAYBEE LLP  
100 Murray Street, 4<sup>th</sup> Floor  
Ottawa, Ontario  
K1N 0A1  
Canada